

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
CAUSE NO. 2:18-cv-42-D**

**ALFONZA J. HIGGS, as
ADMINISTRATOR OF THE ESTATE
OF ALONZA HIGGS, Deceased,**

PLAINTIFF

vs.

**SSC WINDSOR BRIAN OPERATING COMPANY, LLC &
SAVASENIORCARE ADMINISTRATIVE SERVICES, LLC**

DEFENDANTS

ORDER GRANTING DEFENDANTS' MOTION FOR CLARIFICATION

This matter is before the Court on Defendants' Motion for Clarification, and the Court, finding the Motion well taken, rules as follows:

On March 5, 2019, the parties filed a proposed scheduling order [D.E. 85]. The proposed order contained staggered expert designation deadlines, requiring the Plaintiff's Fed.R.Civ.P. 26(a)(2), expert disclosures, including written reports, to be served on or before January 15, 2020, with Defendants' expert disclosures and written reports due on or before April 15, 2020. The proposed order provided similar staggered deadlines for the designation of rebuttal expert witnesses.

On March 20, 2019, this Court entered a Scheduling Order setting a deadline of May 1, 2020, for reports from retained experts and a deadline of June 5, 2020, for reports from rebuttal experts [D.E. 86].

On April 3, 2019, Defendants filed a Motion for Clarification related to confusion over when the parties were to designate experts [D.E. 87]. The Court finds that the expert deadlines set forth in [D.E. 85] shall control and that the expert deadline contained in [D.E. 86] is hereby

withdrawn. Accordingly, the deadline for the parties to disclose experts, including written reports, is as follows:

Plaintiff shall identify any and all expert witnesses no later than **January 15, 2020**. Plaintiff shall serve opposing parties with such disclosures and expert reports in accordance with Federal Rule of Civil Procedure 26 (a) (2) and make said expert witnesses available for deposition within **sixty (60) days** of designation.

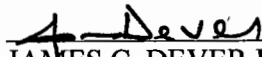
Defendants shall identify any and all expert witnesses no later than **April 15, 2020**. Defendants shall serve opposing parties with such disclosures and expert reports in accordance with Federal Rule of Civil Procedure 26 (a) (2) and make said expert witnesses available for deposition within **sixty (60) days** of designation.

Plaintiff shall have **thirty (30) days** after the designation of Defendants' expert witnesses to designate and disclose, in accordance with Federal Rule of Civil Procedure 26 (a) (2), rebuttal experts and shall make said rebuttal experts available for deposition within **ten (10) days** of designation.

Defendants shall have **thirty (30) days** after the designation of Plaintiff's rebuttal expert witnesses to designate and disclose, in accordance with Federal Rule of Civil Procedure 26 (a) (2), rebuttal experts and shall make said rebuttal experts available for deposition within **ten (10) days** of designation.

For the reasons explained above, IT IS HEREBY ORDERED, that Defendants' Motion for Clarification (D.E. 87) is granted and that the expert designation deadlines, including the submission of expert reports, shall be governed by the deadlines set forth herein.

SO ORDERED. This the 8 day of April 2019.



JAMES C. DEVER III
United States District Judge

PREPARED BY:

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